

The Gazette of India

EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 26] NEW DELHI, FRIDAY, MAY 5, 1961/VAISAKHA 15, 1883

LOK SABHA

The following Bills were introduced in Lok Sabha on the 5th May, 1961:—

*BILL No. 31 OF 1961

A bill to provide for the amendment and repeal of certain laws relating to stamp duties and court-fees as in force in certain Union territories.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. This Act may be called the Union Territories (Stamp and Court-fees Laws) Act, 1961.

2 of 1899. 5 2. On such date as the Central Government may, by notification in the Official Gazette, appoint, for Schedule I-A of the Indian Stamp Act, 1899, as in force in the Union territory of Himachal Pradesh immediately before that date, there shall be substituted, with such modifications as may be specified in the notification, Schedule I-A to the Indian Stamp Act, 1899, as in force in the State of Punjab on the 28th day of November, 1960.

Amendment of Indian Stamp Act, 1899, as in force in Himachal Pradesh.

7 of 1870. 30 of 1950. 15 3. On the date on which the Court-fees Act, 1870, as in force in the State of Punjab, is extended to the Union territory of Himachal Pradesh by notification under section 2 of the Union Territories (Laws) Act, 1950, the Court-fees Act, 1870, as in force in that Union territory immediately before the date of such notification, shall stand repealed.

Repeal of Court-fees Act, 1870, as in force in Himachal Pradesh.

*The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended to Lok Sabha the introduction of the Bill.

Repeal of
Court-fees
Act, 1870, as
in force in
Manipur and
Tripura.

4. (a) On the date on which the Court-fees Act, 1870, as in force 7 of 1870.
in the State of Assam, is extended to the Union territory of Manipur
by notification under section 2 of the Union Territories (Laws) Act,
1950, the Court-fees Act, 1870, as in force in that Union territory 30 of 1950.
immediately before the date of such notification, shall stand repealed. 5

(b) On the date on which the Court-fees Act, 1870, as in force
in the State of Assam, is extended to the Union territory of Tripura
by notification under section 2 of the Union Territories (Laws) Act,
1950, the Court-fees Act, 1870, as in force in that Union territory
immediately before the date of such notification, shall stand repealed. 10

Repeal of
Indian
Stamp Act,
1899, as in
force in
Manipur
and Tripura.

5. (a) On the date on which the Indian Stamp Act, 1899, as in 2 of 1899.
force in the State of Assam, is extended to the Union territory of
Manipur by notification under section 2 of the Union Territories
(Laws) Act, 1950, the Indian Stamp Act, 1899, as in force in that Union 30 of 1950.
territory immediately before the date of such notification, shall stand 15
repealed.

(b) On the date on which the Indian Stamp Act, 1899, as in force
in the State of Assam, is extended to the Union territory of Tripura
by notification under section 2 of the Union Territories (Laws) Act,
1950, the Indian Stamp Act, 1899, as in force in that Union territory
immediately before the date of such notification, shall stand repealed. 20

Validation
of levy of
stamp du-
ties in cer-
tain cases.

6. Any stamp duties levied and collected in the Union territory of
Manipur during the period commencing on the 16th day of April,
1950, and ending on the date on which the Indian Stamp Act, 1899, 2 of 1899.
as in force in the State of Assam is extended to that Union territory
under section 5, in the belief that the Indian Stamp Act, 1899 as in 25
force in the State of Assam immediately before the 16th day of April,
1950, was applicable to that Union territory, shall be deemed always
to have been levied and collected in accordance with law.

STATEMENT OF OBJECTS AND REASONS

The rates of stamp duties, other than those on Union List documents, and court-fees levied in the Union territories of Himachal Pradesh, Manipur and Tripura are at present expressed in terms of rupees and annas. With the introduction of decimal coinage, it has become necessary to specify these rates in terms of rupees and naye paise. Such modification has already been effected in the stamp and court-fees laws in force in the adjoining States of Punjab and Assam. It is, therefore, proposed to replace the existing stamp and court-fees laws in force in Manipur and Tripura by the corresponding laws in force in Assam. In Himachal Pradesh, it is proposed to replace the existing law relating to court-fees by the corresponding law in force in Punjab, and the Schedule I-A of stamp duties by the corresponding Schedule in force in Punjab on the 28th November, 1960.

Under section 2 of the Union Territories (Laws) Act, 1950, an enactment in force in a State may be extended to a Union territory by a notification but the corresponding law in force in the territory cannot be repealed. Hence, the Bill provides that on the date on which any of the various State laws mentioned above is extended to the Union territory concerned, the corresponding law in force therein shall stand repealed.

LAL BAHADUR.

NEW DELHI;

The 22nd April, 1961.

*BILL NO. 36 OF 1961

A bill further to amend the Coffee Act, 1942.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Coffee (Amendment) Act, 1961.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 3.

2. In section 3 of the Coffee Act, 1942 (hereinafter referred to as the principal Act),— 7 of 1942.

(a) for clause (i), the following clause shall be substituted, namely:—

‘(i) “owner”, in relation to any land planted with coffee 10 plants, includes,—

(1) any agent of the owner, and

(2) a mortgagee, lessee or other person in actual possession of the land;’; and

(b) for clause (n), the following clause shall be substituted, 15 namely:—

‘(n) “year” means the period of twelve months beginning with the first day of July and ending with the thirtieth day of June next following.’

Amendment
of section 4.

3. In section 4 of the principal Act,— 20

(i) for sub-sections (2) and (2A), the following sub-sections shall be substituted, namely:—

“(2) The Board shall consist of—

(a) a Chairman to be appointed by the Central Government by notification in the Official Gazette;

*The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended to Lok Sabha the introduction of the Bill.

(b) three Members of Parliament of whom two shall be elected by the House of the People and one by the Council of States; and

5 (c) such number of other members not exceeding twenty-nine as the Central Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among persons who are in its opinion capable of representing,—

10 (i) Governments of the principal coffee-growing States;

(ii) coffee-growing industry;

(iii) coffee trade interests;

(iv) curing establishments;

15 (v) interests of labour;

(vi) interests of consumers; and

(vii) such other interests as, in the opinion of the Central Government, ought to be represented on the Board.

20 (2A) The number of persons to be appointed as members from each of the categories specified in clause (c) of sub-section (2), the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Board shall be such
25 as may be prescribed.”;

(ii) sub-section (3) shall be omitted.

4. In section 12 of the principal Act, the words, brackets and figures “, except coffee sold and delivered before the estate became subject to the provisions of sub-section (1) of section 14,” shall be omitted. Amendment of section 12.

30 5. In section 13 of the principal Act, in sub-section (1), the words “and of any fees” shall be omitted. Amendment of section 13.

6. In section 14 of the principal Act,—

Amendment of section 14.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

35 “(1) Every owner of land planted with coffee plants, whether such land is comprised in one estate or in more than

one estate and whether it is situated wholly or only partly in India, shall, before the expiration of one month from the date on which he first became owner of such estate or estates, apply to the registering officer appointed in this behalf by the State Government to be registered as an owner thereof.”; 5

(b) sub-sections (2) and (4) shall be omitted.

Amendment
of section 17.

7. In section 17 of the principal Act,—

(a) for the words, brackets and figures “No registered owner shall, before the estate became subject to the provisions of sub-section (1) of section 14,” the words “No registered owner shall” shall be substituted; and 10

(b) the proviso shall be omitted.

Omission of
section 19.

8. Section 19 of the principal Act shall be omitted.

Amendment
of section 20.

9. In section 20 of the principal Act, in the first proviso, for clauses (ii), (iii) and (iv), the following clauses shall be substituted, namely:— 15

“(ii) carried as personal baggage of a passenger, not excluding such quantities as the Central Government may, by notification in the Official Gazette, specify, or

(iii) exported for such purposes and in such quantities as the Central Government may specify in the like manner.”. 20

Amendment
of section 31.

10. In section 31 of the principal Act, in sub-section (1),—

(a) in clause (b), for the word and figures “section 32.”, the words and figures “section 32; and” shall be substituted;

(b) after clause (b), the following clause shall be inserted, 25
namely:—

“(c) all fees levied and collected by the Board under this Act.”.

Amendment
of section 36.

11. In section 36 of the principal Act, in sub-section (1), the words and figures “and any person who contravenes the provisions of section 19” shall be omitted. 30

Omission of
section 41.

12. Section 41 shall be omitted.

Amendment
of section 48.

13. In section 48 of the principal Act,—

(a) in sub-section (2), for clauses (i) and (ii), the following clauses shall be substituted, namely:— 35

“(i) the constitution of the Board, the number of persons to be appointed as members from each of the categories

specified in clause (c) of sub-section (2) of section 4, the term of office and other conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, the members of the Board;

5 (ii) the circumstances in which, and the authority by which, members may be removed;"

(b) for sub-section (3), the following sub-section shall be substituted, namely:--

10 " (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in 15 the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without 20 prejudice to the validity of anything previously done under that rule."

14. On the commencement of this Act, the Board constituted under section 4 of the principal Act shall stand dissolved and shall be reconstituted in the manner provided in section 4 of that Act as amended by section 3 of this Act.

Reconstitution of Board on commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

Section 4(2) of the Coffee Act, 1942 prescribes the composition of the Coffee Board. As a result of the reorganisation of the States and consequent transfer of coffee growing areas from one State to another, it has been found that a redistribution of seats for certain interests represented on the Board is necessary. In order, however, to avoid the necessity of amending the Act every time a similar change in the composition of the Board is found necessary in the future, it has been decided that, without affecting the general scheme of representation of the various interests on the Board, section 4(2) of the Act may be amended so as to provide that the Board shall consist of a Chairman to be appointed by the Central Government, three members of Parliament and such number of other members, not exceeding twenty-nine, to represent the existing interests.

2. In view of the fact that all owners of estates, irrespective of the areas of their estates, have been under an obligation to register themselves under the Act since 1943-44 crop season, it is proposed to amend the Act so as to bring it into line with the existing position.

3. Opportunity has been taken to carry out certain other minor amendments in order to remove difficulties which have been experienced in the working of the Act.

NEW DELHI;

The 2nd May, 1961.

MANUBHAI SHAH.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill which seeks to amend section 48 of the Coffee Act, 1942 confers on the Central Government the power to make rules regarding the constitution of the Board, the number of persons to be appointed as members from each of the categories specified in clause (c) of sub-section (2) of section 4, the term of office and other conditions of service of members, the circumstances in which, and the authority by which, members may be removed, etc. These are matters of detail and the delegation of legislative power with respect to them is of a normal character.

BILL No. 33 OF 1961

A bill further to amend the Banaras Hindu University Act, 1915.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Banaras Hindu University (Amendment) Act, 1961.

(2) It shall come into force on such date as the Central Govern- 5
ment may, by notification in the Official Gazette, appoint.

Amendment
of section 2.

2. In the Banaras Hindu University Act, 1915 (hereinafter refer- 16 of 1915.
red to as the principal Act), for section 2, the following section shall
be substituted, namely:—

Definitions.

'2. In this Act, unless the context otherwise requires,— 10

(a) "Academic Council" means the Academic Council of the
University;

(b) "College" means a college or teaching institution (other
than a secondary, primary or infant school or *pathasala*) main-
tained by, or admitted to the privileges of, the University; 15

(c) "Court" means the University Court;

(d) "Executive Council" means the University Executive
Council;

(e) "Faculty" means a Faculty of the University;

(f) "Ordinances" means the Ordinances of the University for the time being in force;

(g) "Regulations" means the Regulations of the University for the time being in force;

5 (h) "Statutes" means the Statutes of the University for the time being in force;

(i) "teacher" means a salaried professor, reader, lecturer or tutor who imparts instruction in a college of the University and includes any other person who is declared to be a teacher by
10 the Academic Council;

(j) "University" means the Banaras Hindu University.'

3. In section 3 of the principal Act,—

Amendment
of section 3.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

15 "(1) The Chancellor, the Pro-Chancellor and the Vice-Chancellor and the members of the Court and the Academic Council, for the time being, shall be a body corporate by the name of the Banaras Hindu University.";

(b) in sub-section (3),—

20 (i) after the word "religion", the words "and in moral and spiritual values" shall be inserted;

(ii) the words "and moral" shall be omitted.

4. In section 4 of the principal Act, in the proviso, for the words "to those who have consented to receive it", the words "to those who
25 or, in the case of minors, whose parents or guardians have given their consent thereto in writing" shall be substituted.

Amendment
of section 4.

5. In section 4A of the principal Act,—

Amendment
of section
4A.

(a) for clauses (2) and (3), the following clauses shall be substituted, namely:—

30 "(2) to promote Oriental studies including Vedic, Hindu, Buddhist and Jain studies, to give instruction in Hindu theology and religion and in moral and spiritual values and to impart physical training;

(3) to hold examinations and to grant and confer degrees and other academic distinctions to and on persons—

(a) who shall have pursued a course of study in the University or in a College and passed the examination or who shall have carried on research work in the manner prescribed by the Ordinances, or 5

(b) who are teachers of the University or any college under conditions laid down in the Statutes or the Ordinances and shall have passed the examinations of the University under like conditions, or 10

(c) who, being women, shall have pursued a course of private study in subjects provided for by the Ordinances and shall have passed the examinations of the University in their subjects under conditions laid down in the Ordinances;"; 15

(b) after clause (9), the following clause shall be inserted, namely:—

"(9A) to institute, establish, maintain, reconstitute, amalgamate, divide or abolish departments, faculties or colleges and carry out inspection thereof and inquiry in relation thereto;"; 20

(c) after clause (12), the following clause shall be inserted, namely:—

"(12A) to regulate and enforce discipline among salaried officers, teachers and other employees of the University in accordance with the Ordinances;"; 25

(d) in clause (13), the word "and" at the end shall be omitted;

(e) after clause (13), the following clauses and word shall be inserted, namely:— 30

"(13A) to acquire, hold, manage and dispose of property movable or immovable, including trust or endowed property, for the purposes of the University;

(13B) with the approval of the Central Government, to borrow, on the security of University property, money for the purposes of the University; and". 35

6. In section 5 of the principal Act, in sub-section (2), after the word "equipment", the words, "of any College" shall be inserted. Amendment of section 5.

7. For sections 6 and 7 of the principal Act, the following sections shall be substituted, namely:— Substitution of new sections for sections 6 and 7.

5 "6. The Governor of the State of Uttar Pradesh shall be the Rector of the University. Rector.

7. The following shall be the officers of the University, Officers of the University.
namely:—

- (a) the Chancellor,
- 10 (b) the Pro-Chancellor,
- (c) the Vice-Chancellor,
- (d) the Pro-Vice-Chancellor,
- (e) the Treasurer,
- (f) the Registrar,
- 15 (g) the Deans of Faculties,
- (h) the Dean of Students,
- (i) the Librarian,
- (j) the Chief Proctor, and
- 20 (k) such other persons in the service of the University as may be declared by the Statutes to be the officers of the University.

7A. (1) The Chancellor shall be elected by the Court and shall hold office for a period of three years: Chancellor.

25 Provided that, notwithstanding the expiry of the said period of three years, he shall continue to hold office until the election of his successor.

(2) Where a casual vacancy arises in the office of the Chancellor, the Pro-Chancellor shall exercise the functions of the Chancellor until a new Chancellor is elected.

30 7B. (1) The Chancellor shall, by virtue of his office, be the Head of the University. Powers of Chancellor.

(2) The Chancellor shall, if present, preside at convocations of the University for conferring degrees and at all meetings of the Court.

Pro-Chancellor.

7C. (1) The Pro-Chancellor shall be elected by the Court and shall hold office for a period of three years:

Provided that, notwithstanding the expiry of the said period of three years, he shall continue to hold office until the election of his successor.

5

(2) Any casual vacancy in the office of the Pro-Chancellor shall be filled by a person appointed by the Chancellor on the recommendation of the Executive Council; and the person so appointed shall hold office until the election of his successor.

Vice-Chancellor.

7D. (1) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a committee consisting of three members:

Provided that, if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations.

(2) Two members of the committee shall be persons not connected with the University or college nominated by the Executive Council and one member shall be a person nominated by the Visitor who shall also appoint one of the three members to be the Chairman of the committee.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a period of three years and shall be eligible for re-appointment:

Provided that, notwithstanding the expiry of the said period of three years, he shall continue to hold office until his successor is appointed and enters upon his office:

Provided further that the Visitor may direct that a Vice-Chancellor whose term of office has expired shall continue to hold office for such period not exceeding one year as may be specified in the direction.

30

(5) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be prescribed by the Ordinances.

(6) In the case of a casual vacancy in the office of the Vice-Chancellor, the Pro-Vice-Chancellor, if any, shall, until the appointment of a new Vice-Chancellor, perform the functions of the Vice-Chancellor:

Provided that if there is no Pro-Vice-Chancellor, the Registrar shall carry on the current duties of the Vice-Chancellor and

call a meeting of the Executive Council forthwith and take its directions for the carrying on of the work of the University.

7E.(1) The Vice-Chancellor who shall be the principal executive and academic officer of the University, shall take rank next to the Pro-Chancellor and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of its authorities.

Powers and duties of Vice-Chancellor.

(2) The Vice-Chancellor shall be the *ex-officio* Chairman of the Executive Council, the Academic Council and the Finance Committee and shall, in the absence of the Chancellor and the Pro-Chancellor, preside at convocations to confer degrees and also at meetings of the Court; he shall be entitled to be present at and to address any meeting of any authority or body of the University but shall not be entitled to vote thereat unless he is a member of such authority or body.

(3) The Vice-Chancellor shall be responsible for the maintenance of discipline in the University and may delegate such of his powers in this regard to such persons in the employment of the University as he may deem necessary.

(4) It shall be the duty of the Vice-Chancellor to see that the provisions of this Act, the Statutes, the Ordinances and the Regulations are duly observed.

(5) The Vice-Chancellor shall have power to convene meetings of the Court, the Executive Council and the Academic Council and shall perform all such acts as may be necessary to carry out or further the provisions of this Act, the Statutes and the Ordinances.

(6) If, in the opinion of the Vice-Chancellor, any emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the same for approval at the next meeting to the authority which, in the ordinary course, would have dealt with the matter:

Provided that, if the action taken by the Vice-Chancellor is not approved by the authority concerned, he may refer the matter to the Visitor, whose decision thereon shall be final:

Provided further that, where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the Executive Council.

(7) The Vice-Chancellor shall have power to take disciplinary action against teachers and salaried officers of the University and impose the penalty of warning or censure:

Provided that no teacher or salaried officer shall be censured unless he has been given a reasonable opportunity to explain. 5

(8) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes, the Ordinances or the Regulations.”.

Amendment of section 8. 8. In section 8 of the principal Act, for the words “the officers of the University”, the words “the other officers of the University” 10 shall be substituted.

Insertion of new section 8A. 9. After section 8 of the principal Act, the following section shall be inserted, namely:—

Authorities of the University. “8A. The following shall be the authorities of the University, namely:— 15

(a) the Court,

(b) the Executive Council,

(c) the Academic Council,

(d) the Finance Committee,

(e) the Faculties, and 20

(f) such other authorities as may be declared by the Statutes to be the authorities of the University.”.

Substitution of new sections 9, 9A and 10. 10. For sections 9 and 10 of the principal Act, the following sections shall be substituted, namely:—

The Court.

“9. (1) The Court shall be the supreme governing body of 25 the University and shall have power to review the acts of the Executive Council and the Academic Council (save where those authorities have acted in accordance with the powers conferred upon them by this Act, the Statutes or the Ordinances):

Provided that the power of review under this sub-section 30 shall not be exercised except by a majority of not less than two-thirds of the total number of members.

(2) The Court shall also have power to suggest measures for the improvement of the affairs of the University and shall exercise all the powers of the University not otherwise provided 35 for by this Act or the Statutes.

(3) Notwithstanding anything in sub-section (1), the Court shall not interfere with the Executive Council in the day-to-day administration of the University.

5 (4) If any question arises as to whether a matter does or does not relate to the day-to-day administration of the University, the question shall be referred to the Visitor whose decision thereon shall be final.

10 9A. (1) An annual meeting of the Court shall be held on a date fixed by the Executive Council, unless some other date has been fixed by the Court, and at such annual meeting, a report of the proceedings of the Executive Council and a report of the working of the University during the previous year together with a statement of the receipts and expenditure and the balance sheet as audited and the financial estimates shall be presented
15 by the Executive Council; and any vacancies among the officers of the University or among the members of the Court or the Executive Council which ought to be filled up by the Court shall also be filled up.

20 (2) A copy of the statement of receipts and expenditure and of the balance sheet and the financial estimates referred to in sub-section (1) shall be sent to every member of the Court at least seven days before the date of the annual meeting and shall be open to inspection by members of the Court and the Academic Council at the office of the University during the year
25 following such meeting at such reasonable hours and under such conditions as the Executive Council may determine.

30 (3) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor, or if there is no Vice-Chancellor, by the Pro-Vice-Chancellor or if there is no Pro-Vice-Chancellor, by the Registrar:

Provided that a special meeting of the Court shall also be convened if not less than thirty-three members make a requisition in writing in this behalf.

35 10. (1) The Executive Council shall, subject to the control of the Court, be the executive body of the University and shall have charge of the management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

40 (2) Subject to the provisions of this Act, the Executive Council shall exercise such other powers and perform such other duties as may be conferred or imposed on it by the Statutes or the Ordinances.”

Amendment
of section
11.

11. In section 11 of the principal Act, the words "and discipline" shall be omitted.

Substitution
of new sec-
tions 12, 12A
and 12B

12. For sections 12 and 12A of the principal Act, the following sections shall be substituted, namely:—

Other autho-
rities.

"12. Subject to the provisions of this Act, the functions,⁵ powers and duties of the other authorities of the University shall be provided for by the Statutes.

Disqualifica-
tion.

12A. (1) No person shall be qualified for election or nomination as a member of any of the authorities of the University,¹⁰ if—

(a) he is of unsound mind or is a deaf-mute or suffers from contagious leprosy, or

(b) he is an undischarged insolvent, or

(c) he has been convicted by a court of an offence involving moral turpitude and sentenced in respect thereof¹⁵ to imprisonment for not less than six months, and a period of five years has not elapsed from the date of expiry of the sentence.

(2) Any dispute as to whether a person is disqualified for election or nomination under this section shall be referred to the²⁰ Vice-Chancellor whose decision shall be final and not be liable to be questioned in a court of law.

Removal of
names from
authorities.

12B. Any member of the Court, the Executive Council, or the Academic Council may be removed by a resolution of the Court, the Executive Council or the Academic Council, as the²⁵ case may be, passed by a majority of its total membership and by a majority of not less than two-thirds of the members present at the meeting, on any one or more of the following grounds, namely:—

(a) that the member has become incapable of perform-³⁰ing his duties, or

(b) that the member has become unsound in mind or a deaf-mute, or

(c) that the member suffers from contagious leprosy, or

(d) that the member has become an undischarged in-³⁵solvent, or

(e) that the member has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months,

and a period of five years has not elapsed from the date of expiry of the sentence.”.

13. In section 14 of the principal Act, in the proviso, for the figures “1886”, the figures “1920” shall be substituted. Amendment of section 14.

5 14. After section 16A of the principal Act, the following sections shall be inserted, namely:— Insertion of new sections 16B to 16E.

10 “16B. (1) Every salaried officer and teacher of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the officer or teacher concerned. Conditions of service of officers and teachers.

15 (2) Any dispute arising out of a contract between the University and any of its officers or teachers shall, at the request of the officer or teacher concerned or at the instance of the University, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or the teacher concerned and an umpire appointed by the Visitor.

10 of 19 0 20 (3) Any request made by an officer or teacher under subsection (2) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration Act, 1940, and all the provisions of that Act, with the exception of section 2 thereof, shall apply accordingly.

25 (4) The decision of the Tribunal shall be final, and no suit or proceeding shall lie in any court in respect of the matters decided by the Tribunal.

16C. No act or proceeding of any authority or body of the University shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof. Proceedings not to be invalidated by vacancies, etc.

30 16D. No suit, prosecution or other legal proceeding shall lie against any officer of the University or any member of any authority or body of the University for anything in good faith done or intended to be done by him under this Act or the Statutes, the Ordinances or the Regulations. Protection of action taken in good faith.

35 16E. If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or body of the University, it shall be referred to the Visitor whose decision thereon shall be final.”. Decision of disputes.

Substitution
of new sec-
tion 17.

15. For section 17 of the principal Act, the following section shall be substituted, namely:—

Statutes.

"17. (1) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution of the Court and the constitution, powers and duties of the other authorities of the University other than the powers and duties provided for in this Act; 5

(b) the election and appointment of members of the authorities of the University, their continuance in office, the filling of vacancies of members thereof and all other matters relating to the authorities; 10

(c) the appointment, powers and duties of the officers of the University;

(d) the institution of degrees, diplomas, certificates and other academic distinctions; 15

(e) the conferment of honorary degrees;

(f) the holding of convocations to confer degrees;

(g) the establishment, re-constitution, amalgamation, division or abolition of faculties, departments, hostels, colleges and institutions; 20

(h) the conditions under which colleges and other institutions may be admitted to the privileges of the University and the withdrawal of such privileges;

(i) the institution of fellowships, scholarships, student-ships, medals and prizes; 25

(j) the registration of graduates and the maintenance of a register of registered graduates;

(k) the classification and the manner of appointment of teachers in the University and the colleges;

(l) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the officers, teachers and other employees of the University; and 30

(m) all other matters which are to be or may be provided for by the Statutes. 35

(2) The Statutes in force at the commencement of the Banaras Hindu University (Amendment) Act, 1961, shall be those set out in the Schedule.

5 (3) The Court may from time to time make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter provided.

(4) The Executive Council may propose to the Court the draft of any Statute and such draft shall be considered by the Court at its next meeting:

10 Provided that the Executive Council shall not propose the draft of any Statute or of any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing its opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered
15 by the Court.

(5) The Court may approve any such draft as is referred to in sub-section (4) and pass the Statute or reject it or return it to the Executive Council for re-consideration, either in whole
20 or in part, together with any amendments which the Court may suggest.

(6) Any member of the Court may propose to the Court the draft of any Statute, and the Court may either reject the proposal or refer such draft for consideration to the Executive
25 Council which may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve.

(7) Every new Statute or addition to a Statute or any amendment or repeal of a Statute shall require the previous
30 approval of the Visitor who may sanction or disallow it or remit it for further consideration."

16. In section 18 of the principal Act,—

Amendment
of section 18.

(a) in sub-section (1),—

35 (i) for clause (c), the following clause shall be substituted, namely:—

40 "(c) the qualifications for admission to courses of study for degrees, diplomas, certificates and other academic distinctions and to examinations of the University and the award of degrees, diplomas, certificates and other academic distinctions;"

(ii) in clause (d), for the words "and for admission to the examinations, degrees and diplomas of the University", the words "for admission to the examinations, degrees and diplomas of the University and for registration of graduates" shall be substituted; 5

(iii) after clause (f), the following clause shall be inserted, namely:—

"(ff) the remuneration and allowances including travelling and daily allowances to examiners, moderators and other persons engaged on the business of the University;" 10

(iv) in clause (k), for the word "teachers", the words "officers and teachers" shall be substituted;

(v) in clause (m), the word "and" at the end shall be omitted; 15

(vi) after clause (m), the following clause and word shall be inserted, namely:—

"(mm) the powers and duties of teachers and salaried officers and the powers which may be delegated to them; and"; 20

(b) in sub-section (3), for the proviso, the following proviso shall be substituted, namely:—

"Provided that no Ordinance shall be made—

(a) prescribing the examinations to be recognised as equivalent to the University examinations, or 25

(b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or of any course of study,

unless a draft of such Ordinance has been proposed by the Academic Council." 30

(c) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely:—

"(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may, within two months of the date 35 of such rejection, appeal to the Central Government and the Central Government may, by order, direct that the proposed Ordinance shall be laid before the next meeting of

the Court for its approval and that pending such approval, it shall have effect from such date as may be specified in the order:

5 Provided that if the Ordinance is not approved by the Court at such meeting, it shall cease to have effect.

10 (6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the Court, and shall be considered by the Court at its next meeting; and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members present and voting, to cancel any Ordinance made by the Executive Council, and any such Ordinance shall, from the date of such resolution, cease to have effect.”;

15 (d) in sub-section (7), for the words “two months from the date of such order”, the following shall be substituted, namely:—

“one month from the date of such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later”;

20 (e) after sub-section (7), the following sub-section shall be inserted, namely:—

25 “(8) The Visitor may, at any time, after any Ordinance has been considered by the Court, signify to the Executive Council his disallowance of the Ordinance, and from the date of receipt by the Executive Council of intimation of such disallowance, the Ordinance shall cease to have effect.”.

17. In section 19 of the principal Act, to sub-section (3), the following proviso shall be added, namely:— Amendment
of section 19

30 “Provided that any authority of the University which is dissatisfied with any such direction may, within two months of the date of such direction, appeal to the Court, whose decision thereon shall be final.”.

18. Section 19A of the principal Act shall be omitted.

Cancellation of
section 19A.

19. (1) On the commencement of this Act,—

Transitional
Provision

35 (a) the Standing Committee of the Academic Council shall stand dissolved and the members of the Standing Committee shall vacate their offices as such members;

(b) the office of Chief Rector shall stand abolished.

(2) Every authority of the University functioning immediately before the commencement of this Act shall, until the corresponding authority is constituted in accordance with the provisions of the principal Act as amended by this Act, exercise all the powers and perform all the duties of the corresponding authority under the principal Act as so amended.

(3) Every officer of the University holding office immediately before the commencement of this Act shall, on and from such commencement, hold his office by the same tenure and upon the same terms and conditions as he held it immediately before such commencement.

THE SCHEDULE

[See section 17(2)]

THE STATUTES OF THE UNIVERSITY

1. In these Statutes,—

Definitions.

5 (a) "Act" means the Banaras Hindu University Act, 1915;

(b) all words and expressions used herein and defined in the Act shall have the meanings respectively assigned to them in the Act.

2. (1) The Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor:

Appointment of Pro-Vice Chancellor.

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, the matter shall be referred to the Visitor who may either appoint the person recommended by the Vice-Chancellor or ask the Vice-Chancellor to recommend
15 another person to the Executive Council.

(2) The term of office of the Pro-Vice-Chancellor shall ordinarily be coterminous with the term of office of the Vice-Chancellor:

Provided that, notwithstanding the expiry of the term of his office, the Pro-Vice-Chancellor shall continue in office until his successor is appointed and enters upon his office.
20

3. (1) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in all matters; when the Vice-Chancellor, by reason of illness or absence for any other cause, is unable to exercise the powers and perform the duties of his office, the Pro-Vice-Chancellor shall exercise
25 all the powers and perform all the functions of the Vice-Chancellor.

Duties and Powers of Pro. Vice-Chancellor.

(2) In the absence of the Chancellor, the Pro-Chancellor and the Vice-Chancellor, the Pro-Vice-Chancellor shall preside at meetings of the Court.

(3) The Pro-Vice-Chancellor shall be entitled to be present at
30 and to address any meeting of any authority or body of the University but shall not be entitled to vote thereat unless he is a member of such authority or body.

4. (1) The Treasurer shall be appointed by the Executive Council from amongst persons who are not employees of the University
35 and shall be a whole-time officer.

Appointment of Treasurer.

(2) He shall hold office for a period of five years:

Provided that, notwithstanding the expiry of the term of his office, the Treasurer shall continue in office until his successor is appointed and enters upon his office:

Provided further that, when the office of the Treasurer is vacant or when the Treasurer is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office, shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

Duties and
Powers of
the
Treasurer.

5. (1) The Treasurer shall:—

10

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by these Statutes or the Ordinances:

15

Provided that the Treasurer shall not incur any expenditure or make any investment exceeding Rs. 10,000 without the previous approval of the Executive Council.

(2) Subject to the control of the Executive Council, the Treasurer shall—

20

(a) hold and manage the property and investments including trust and endowed property for furthering any of the objects of the University;

(b) see that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purposes for which they are granted or allotted;

25

(c) be responsible for the preparation of annual estimates and the statement of accounts and for their presentation to the Executive Council;

30

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of collection of revenue and advise on the methods of collection employed;

(f) have the accounts of all institutions regularly audited by an internal audit party;

35

(g) see that the registers of buildings, land and equipment are maintained up-to-date and that the stock checking is conducted of equipment and other consumable materials in all offices and colleges, and in the P.W.D. and Workshop stores;

40

(h) call for explanation for unauthorised expenditure and for other financial irregularities and suggest disciplinary action against the persons at fault;

5 (i) call for from any office or institution under the University any information or returns that he may consider necessary to discharge his financial responsibilities.

(3) The receipt of the Treasurer or of the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for the same.

10 6. (1) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time officer. Registrar.

(2) When the office of the Registrar is vacant or when the Registrar is, by reason of illness or absence for any other cause, unable
15 to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Registrar shall be the *ex-officio* Secretary of the Court, the Executive Council, the Academic Council, the Selection Committees, the Finance Committee and the Faculties, but shall not
20 be deemed to be a member of any of these authorities.

(4) The Registrar shall—

(a) be the custodian of the records, the common seal and such other properties of the University as the Executive Council shall commit to his charge;
25

(b) issue under the direction of the Vice-Chancellor, all notices convening meetings of the Court, the Executive Council, the Academic Council, the Finance Committee, the Selection Committees, the Faculties, the Boards of Studies, the Boards of
30 Examiners, the Boards of Moderators and of the Committees appointed by the authorities of the University;

(c) maintain the minutes of all meetings of the Court, the Executive Council, the Academic Council, the Finance Committee, the Selection Committees, the Faculties and of the Committees appointed by the authorities of the University;
35

(d) conduct the official correspondence of the Court, the Executive Council and the Academic Council;

(e) control the conduct of examinations and all other arrangements necessary therefor and the execution of all
40 processes connected therewith;

(f) supply to the Visitor copies of the agenda of meetings of the authorities of the University as soon as they are issued and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meetings;

(g) in an emergency, when neither the Vice-Chancellor nor the Pro-Vice-Chancellor is able to act, call a meeting of the Executive Council forthwith and take its directions for carrying on the work of the University;

(h) represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose;

(i) perform such other duties as may be prescribed by these Statutes, the Ordinances and the Regulations or as may be required, from time to time, by the Executive Council or the Vice-Chancellor.

15

(5) (a) The Registrar shall have power to take disciplinary action against the employees belonging to the ministerial, subordinate-executive and class IV services and impose on them the penalty of warning, censure, withholding of an increment or suspension pending enquiry;

20

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity to explain.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any penalty other than warning or censure.

(c) In a case where the enquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the enquiry, make a report to the Vice-Chancellor along with his recommendations, and the decision of the Vice-Chancellor shall be final.

Librarian.

7. (1) The Librarian shall be a whole-time officer appointed by the Executive Council on the recommendation of a Selection Committee appointed by it and shall possess such qualifications as may be prescribed by the Executive Council.

(2) When the office of Librarian is vacant or when the Librarian is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The duties and powers of the Librarian shall be regulated by the Ordinances.

40

8. (1) The Dean of Students shall be appointed, from amongst ^{Dean of} employees of the University who are or who have been teachers of ^{Students.} the University, by the Executive Council on the recommendation of the Vice-Chancellor; the Dean shall be a whole-time employee of
5 the University, shall hold office for a term of three years and shall be eligible for reappointment.

(2) The person who is appointed as the Dean of Students shall continue to hold his lien on his substantive post and shall continue to subscribe to the University Provident Fund.

10 (3) When the office of the Dean of Students is vacant or when the Dean of Students is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

15 (4) The duties and powers of the Dean of Students shall be regulated by the Ordinances.

9. (1) The Chief Proctor shall be a person not below the rank of ^{Chief} Reader of the University, shall be appointed by the Executive Council from amongst the teachers of the University on the recommenda-
20 tion of the Vice-Chancellor and shall exercise such powers and perform such duties as may be assigned to him by the Vice-Chancellor. ^{Proctor.}

(2) The Chief Proctor shall hold office for a term of two years and shall be eligible for reappointment for an additional term.

25 (3) When the office of Chief Proctor is vacant or when the Chief Proctor is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

10. (1) There shall be a Dean for each Faculty; the head of each ^{Deans of} of the Departments within the Faculty, who is a Professor, shall, by ^{Faculties.} rotation according to seniority, act as the Dean of the Faculty for a period of two years:

Provided that, in any Faculty,—

35 (i) if there is no Professor, the senior-most Reader shall act as Dean, and

(ii) if there is no Professor or Reader, the Vice-Chancellor or the Pro-Vice-Chancellor, if so designated by the Vice-Chancellor, shall act as the Dean.

(2) The Dean shall be the Chairman of the Faculty and be responsible for the due observance of these Statutes, the Ordinances and the Regulations relating to the Faculty.

(3) The Dean shall be responsible for the organisation and conduct of teaching and research work in the Departments comprised in the Faculty. 5

(4) The Dean shall exercise such other powers and perform such other functions and duties as may be assigned to him by the Executive Council or the Vice-Chancellor.

The Court. 11. (1) The Court shall consist of the following members, namely:— 10

A. *Ex-Officio Members :*

(i) The Chancellor	I	
(ii) The Pro-Chancellor	I	
(iii) The Vice-Chancellor	I	15
(iv) The Pro-Vice-Chancellor	I	
(v) The remaining members of the Executive Council who are not otherwise members of the Court	6	
(vi) The Treasurer	I	20
(vii) The Librarian	I	
(viii) The Dean of Students	I	
(ix) The Chief Proctor	I	

B. *Representatives of Departments and Colleges :*

(x) All Deans of Faculties	9	25
(xi) Heads of Teaching Departments who are not Deans, by rotation according to seniority as indicated below :	12	
From the Faculty of Arts	3	
From the Faculty of Science	3	30
From the Faculty of Technology	3	
From the Faculty of Oriental Learning and Theology	1	
From the Faculty of Medicine and Surgery (Āyurveda)	1	35
From the Faculties of Education and Agriculture	1	

C. *Representatives of Professors and Principals :*

(xii) Professors who are not Heads of Departments, by rotation according to seniority	I	40
---	---	----

- (xiii) The Principal, Women's College; and if there are two or more women's Colleges, the Principals by rotation according to seniority 1
- 5 (xiv) The Principal, Central Hindu College (Kamachha) 1
- D. *Representatives of Teachers other than Professors :*
- (xv) Two Readers by rotation according to seniority 2
- 10 (xvi) Two Lecturers by rotation according to seniority 2
- E. *Representatives of registered graduates :*
- (xvii) Ten representatives none of whom shall be a member or employee of any University, to be elected by the registered graduates permanently residing in each of the five regions mentioned below, from amongst themselves, through the system of proportional representation by means of the single transferable vote, namely— 10
- 15 (1) the northern region comprising the States of Panjab, Rajasthan and Jammu & Kashmir and the Union territories of Delhi and Himachal Pradesh;
- 25 (2) the central region comprising the States of Uttar Pradesh and Madhya Pradesh;
- (3) the eastern region comprising the States of Bihar, West Bengal, Orissa and Assam and the Union territory of Manipur and Tripura;
- 30 (4) the western region comprising the States of Bombay and Mysore;
- (5) the southern region comprising the States of Andhra Pradesh, Madras and Kerala.
- 35 F. *Representatives of Donors (i.e. persons who have donated to the University rupees one lakh or more or property of like value):*
- (xviii) (a) Representatives of donors who are individuals, to be nominated by the Visitor 12
- 40 (b) Representatives of donors who are corporate bodies, to be nominated by the Visitor 1

G. Representatives of Parliament :

- (xix) Three representatives of Parliament,
two to be elected by the Lok
Sabha in such manner as the
Speaker may direct and one to
be elected by the Rajya Sabha in
such manner as the Chairman
may direct 5

*H. Persons representing Learned Professions, Industry and
Commerce :* 10

- (xx) Ten persons representing learned pro-
fessions, to be nominated by the
Executive Council 10
- (xxi) Five persons representing Industry
and Commerce, to be nominated
by the Visitor 15

I. Other Nominated Members :

- (xxii) Not more than twelve persons, to be
nominated by the Visitor 12
- (xxiii) Not more than two persons, to be
nominated by the Rector 20
- (xxiv) Not more than three persons, to be
nominated by the Chancellor 3:

Provided that in making nominations under items (xx), (xxi), (xxii) and (xxiv), due regard shall be had to the representations of 25 the different interests, professions, culture and learning and also of the different areas of the country:

Provided further that no employee of any University shall be eligible to be a member under any of the items (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii) and (xxiv). 30

(2) When an elected member of the Court becomes an *ex-officio* member before the expiry of his term, he shall cease to be an elected member.

(3) Save as otherwise expressly provided, a member of the Court shall hold office for a period of 3 years. 35

Notice of
meeting.

12. Notice of meetings of the Court shall be issued by the Secretary at least 30 days before the date of the meeting with an agenda paper, and no business which does not arise out of matters noted or mentioned in the agenda paper shall be considered unless the consent of at least two-thirds of the members of the Court present at 40 the meeting be obtained thereto.

Notice of
proposals or
amend-
ments.

13. Every member who intends to bring forward any special business at a meeting of the Court or to propose any person for election as Chancellor or Pro-Chancellor shall give notice of such business or of the name of the person to be proposed, to the Secretary at least 45

20 days before the date appointed for such meeting; and every member who intends to propose an amendment shall give notice thereof to the Secretary ten days before the date fixed for the meeting.

14. A notice of twenty-one days of any special meeting of the Court stating generally the nature of the business to be transacted shall be sent to each member of the Court, and no such meeting shall be competent to transact any business other than that mentioned in the notice or directly arising out of it; any member desiring to send a proposal relating to the nature of the business specified in the notice shall send such proposal to the Secretary so as to reach him at least ten days before the date of the meeting.

Notice of special meeting.

15. (1) The Executive Council shall consist of the following members, namely:—

The Executive Council.

- | | | |
|----|---|---|
| | (i) The Vice-Chancellor | 1 |
| 15 | (ii) The Pro-Vice-Chancellor | 1 |
| | (iii) Two Deans, one from each of the following two groups, by rotation according to seniority | 2 |
| | <i>Group 1</i> | |
| 20 | (a) Faculty of Arts | |
| | (b) Faculty of Oriental Learning and Theology | |
| | (c) Faculty of Education | |
| | (d) Faculty of Law | |
| | (e) Faculty of Music and Fine Arts | |
| 25 | <i>Group 2</i> | |
| | (a) Faculty of Science | |
| | (b) Faculty of Technology | |
| | (c) Faculty of Agriculture | |
| | (d) Faculty of Medicine and Surgery (Ayurveda) | |
| 30 | (iv) The Dean of Students | 1 |
| | (v) The Chief Proctor | 1 |
| | (vi) The Principal, Women's College, and if there are two or more Women's Colleges, the Principals by rotation according to seniority | 1 |
| 35 | (vii) Two persons, neither of whom shall be an employee of any University, elected by the Court from amongst its members of whom one shall be a person outside the State of Uttar Pradesh | 2 |
| 40 | (viii) Four persons nominated by the Visitor | 4 |

(ix) One person nominated by the Rector	1
(x) One person nominated by the Chancellor	1
Total	15

Provided that no employee of the University shall be eligible to be a member under any of the items (viii), (ix) and (x).

(2) Members of the Executive Council referred to in items (iii) and (vi) shall hold office for a term of two years and those referred in items (vii) to (x) shall hold office for a term of three years.

(3) Seven members of the Executive Council shall form the quorum.

(4) The Registrar shall be the *ex-officio* Secretary of the executive Council without any right of participation in the discussion or voting.

(5) When an elected member of the Executive Council becomes also an *ex-officio* member, he shall cease to be an elected member.

Powers of
the Execu-
tive Council.

16. Subject to the provisions of the Act, these Statutes and the Ordinances, the Executive Council shall, in addition to any other powers vested in it, have the following powers, namely:—

(i) to appoint from time to time such Professors, Readers, Lecturers and other members of the teaching staff as may be necessary, on the recommendation of the Selection Committee constituted for the purpose, and to provide for filling temporary vacancies therein;

(ii) to fix the emoluments and define the duties and conditions of service of Professors, Readers, Lecturers and other members of the teaching staff;

Provided that no action shall be taken by the Executive Council in respect of the number, the qualifications and the emoluments of teachers otherwise than after consideration of the recommendation of the Academic Council;

(iii) to appoint the Registrar, the Dean of Students, the Chief Proctor, the Librarian and other salaried officers and staff of the University and to fix their emoluments and define their duties and conditions of service;

(iv) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit;

(v) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities, as it shall, from time to time, think fit, or in the purchase of immovable property in India, with the like powers of varying such investments from time to time;

(vi) (a) to accept on behalf of the University any trust, bequest, donation or transfer of any movable or immovable property to the University; and

(b) to transfer any movable or immovable property on behalf of the University;

(vii) to provide the buildings, premises, furniture, apparatus, and other means needed for carrying on the work of the University;

(viii) to enter into, vary, carry out and cancel contracts on behalf of the University;

(ix) to entertain, adjudicate upon, and if it thinks fit, to redress, any grievances of the salaried officers of the University, the teaching staff and the University servants who may for any reason feel aggrieved;

Provided that, in matters of discipline and punishment, where the final power has been vested in the Vice-Chancellor or any other officer of the University, no appeal shall lie to the Executive Council;

(x) to appoint examiners and moderators and, if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances after considering the recommendations of the Examination Committee constituted for the purpose, consisting of (a) the Vice-Chancellor, (b) the Pro-Vice-Chancellor, (c) three Deans of Faculties for two years by rotation according to seniority, and (d) the Registrar who shall be the member Secretary;

(xi) to maintain registers of Registered Graduates and of Donors to the University;

(xii) to select a common seal for the University, and provide for the custody and use of the seal;

(xiii) to manage Departments, Institutions of Research or Specialised Studies, Laboratories, Museums, and Hostels managed by the University;

(xiv) to arrange for and direct the inspection of Colleges, Departments, Institutions and Hostels and to issue instructions

for maintaining their efficiency and ensuring proper conditions of employment for members of their staff;

(xv) to make arrangements, from time to time, for periodical assessment of the work of the teachers of the University;

(xvi) to institute and award fellowships including travelling fellowships, scholarships, studentships, medals and prizes; 5

(xvii) to regulate admission, and to appoint committees for admission, to the University;

(xviii) to direct the conduct of examinations in conformity with the Ordinances and the publication of the results thereof; 10

(xix) to delegate any of its powers to the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar or such other officer of the University or to a Committee appointed by it as it may deem fit.

Contracts.

17. The Executive Council shall, from time to time, appoint such person or persons as it may think proper, either by office or by name, to enter into, execute and sign contracts for and on behalf of the University, and to present them for registration according to the law in force for the time being. 15

Academic Council.

18. (1) The Academic Council shall consist of the following members, namely:— 20

(i) The Vice-Chancellor

(ii) The Pro-Vice-Chancellor

(iii) The Deans of Faculties

(iv) The Heads of Teaching Departments 25

(v) All Professors who are not Heads of Teaching Departments

(vi) The Librarian

(vii) The Dean of Students

(viii) The Chief Proctor 30

(ix) Two Readers and four Lecturers by rotation according to seniority.

(x) The Principal, Women's College, and if there are two or more Women's Colleges, the Principals.

(xi) The Principal, Central Hindu College, Kamachha 35

(xii) Not more than five persons, not being employees of the University, co-opted by the Academic Council for their specialised knowledge.

(2) All members of the Academic Council, other than *ex-officio* members, shall hold office for a term of three years:

Provided that a member co-opted in his capacity as a member of a particular body or as the holder of a particular post shall hold office so long only as he continues to be a member of that body or the holder of that post.

(3) Twenty-five members of the Academic Council shall form the quorum.

19. Subject to the provisions of the Act, the Academic Council shall, in addition to all other powers vested in it, have the following powers, duties and functions, namely:—

Powers, duties and functions of the Academic Council.

- (i) to report on any matter referred to it by the Court or the Executive Council;
- 15 (ii) to make recommendations to the Executive Council with regard to the creation and abolition of teaching posts in the University and the Colleges, and the classification of the said posts and the emoluments and duties attaching thereto;
- 20 (iii) to formulate, modify or revise schemes for the organisation of, and assignment of subjects to, Faculties and to report to the Executive Council as to the expediency of the abolition, reconstitution or division of any Faculty or the amalgamation of one or more Faculties;
- (iv) to promote research within the University and to require from time to time, reports on such research;
- 25 (v) to consider proposals submitted by the Faculties;
- (vi) to recognise diplomas and degrees of other Universities and institutions and to determine their equivalent diplomas and degrees of the Banaras Hindu University;
- 30 (vii) to make special arrangements, if any, for the teaching of women students and for prescribing for them special courses of study, after consulting the Advisory Board of Women's Education;
- 35 (viii) to make such arrangements for the instruction and examination of persons, not being members of the University, as may be necessary;
- (ix) to fix, subject to any conditions accepted by the Executive Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes and to award the same;

(x) to make recommendations regarding the conferment or grant of degrees (including honorary degrees), academic distinctions, honours, diplomas, licenses, titles and marks of honour;

(xi) to publish lists of prescribed or recommended textbooks and to publish the syllabus of prescribed courses of study; 5

(xii) to prepare such forms and registers as are, from time to time, prescribed by the Ordinances;

(xiii) to recommend to the Executive Council the rates of fees and charges;

(xiv) to make proposals to the Executive Council for the establishment of Colleges, Departments, Institutions of Research and Specialised Studies, Libraries, Laboratories, and Museums; 10

(xv) to make proposals to the Executive Council for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes; 15

(xvi) to recommend to the Executive Council draft Ordinances regarding examinations of the University and the conditions on which students should be admitted to such examinations and the working, maintenance and use of the University Library; 20

(xvii) to maintain proper standards of examinations;

(xviii) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of the Act, these Statutes and the Ordinances. 25

Finance
Committee.

20. (1) The Finance Committee shall consist of the following members, namely:—

(i) The Vice-Chancellor;

(ii) The Pro-Vice-Chancellor;

(iii) Two persons nominated by the Visitor; 30

(iv) Two persons, who are not employees of any University, one elected by the Court and one nominated by the Executive Council;

(v) The Treasurer.

(2) Three members of the Finance Committee shall form the quorum. 35

(3) All members of the Finance Committee, other than *ex-officio* members, shall hold office for a term of three years.

(4) The Vice-Chancellor shall preside at meetings of the Finance Committee.

(5) A member of the Finance Committee shall have the right to record a minute of dissent if he dissents from the other members.

5 (6) The Finance Committee shall meet at least twice every year to examine accounts and to scrutinise proposals for expenditure.

(7) The annual accounts and financial estimates of the University prepared by the Treasurer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to
10 the Executive Council for approval.

(8) The Finance Committee shall fix limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University which, in the case of productive works, may include the proceeds of loans; no
15 expenditure shall be incurred by the University in excess of the limits so fixed.

21. (1) The University shall include the Faculties of—

Faculties.

- (i) Oriental learning and Theology,
- (ii) Arts,
- 20 (iii) Science,
- (iv) Law,
- (v) Technology,
- (vi) Medicine and Surgery (Ayurveda),
- (vii) Agriculture,
- 25 (viii) Education, and
- (ix) Music and Fine Arts.

22. (1) Each Faculty shall consist of the following members, Constitution
namely:— of Faculties.

- (i) the Dean of the Faculty who shall be the Chairman;
- 30 (ii) the Heads of Departments of studies in the Faculty;
- (iii) all Professors in the Faculty;
- (iv) one Reader and one Lecturer, by rotation according to seniority, from each Department in the Faculty.

(v) one teacher, by rotation according to seniority, from the Women's College(s);

(vi) persons not connected with the University having special knowledge of the subject or subjects concerned, nominated by the Academic Council, one for each Department of the Faculty: 5

Provided that the number of members to be nominated to each of the Faculties of Law, Agriculture, Education and Music and Fine Arts under this sub-clause, shall be five.

Powers of
the Faculties.

23. (1) The Faculties shall have such powers and shall perform 10 such duties as may be assigned to them by these Statutes and the Ordinances and shall, from time to time, appoint such and so many Boards of Studies in different branches of knowledge as may be prescribed by the Ordinances.

(2) The Faculties shall also consider and make such recommen- 15 dations to the Academic Council on any question pertaining to their respective spheres of work as may appear to them necessary or on any matter referred to them by the Academic Council.

Department
of Faculties.

24. (1) Each Faculty shall consist of such Departments of 20 Studies as may be assigned to it by the Ordinances.

(2) No Department shall be established, reconstituted, amalgamated with another, or divided or abolished except in accordance with the provisions of these Statutes.

(3) Each Department shall consist of the following members, 25 namely:—

- (i) Teachers of the Department;
- (ii) Persons conducting research in the Departments;
- (iii) Dean of the Faculty or Deans of the Faculties concerned;
- (iv) Honorary Professors, if any, attached to the Department; 30

(v) Such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

(4) Each Department shall have a Head who may be a University Professor or, if there is no Professor, a Reader, and whose duties, 35

functions and terms and conditions of appointment shall be laid down by the Ordinances:

Provided that, if there are two or more Professors or Readers in any Department, no person shall be appointed to be the Head of the Department otherwise than in accordance with the provisions made in respect thereof by the Ordinances:

Provided further that, if there is no Professor or Reader in a Department, the Dean of the Faculty concerned shall act as the Head of the Department.

10 25. The Court, the Executive Council, the Academic Council and Committees.
the Faculties may, from time to time, appoint such and so many
Special Committees or Boards as may seem to them fit, and may,
if they think fit, place on them persons who are not members of the
appointing bodies; and any such Committee or Board may deal with
15 any subject delegated to it, subject to subsequent confirmation by
the appointing body.

26. (1) The Selection Committee for making recommendations Selection
to the Executive Council in respect of any appointment specified in Committee.
column (1) of the Table below shall consist of the Vice-Chancellor
20 who shall be the Chairman thereof, the Pro-Vice-Chancellor and
the persons specified in the corresponding entry in column (2) of
the said Table.

THE TABLE

(1)	(2)
25 Professor	Three persons not connected with the University, nominated by the Executive Council, who have special knowledge of the subject with which the person to be appointed will be concerned.
30 Reader, Lecturer	(1) The Dean of the Faculty concerned; (2) the Head of the Department concerned; and (3) two persons not connected with the University, nominated by the Executive Council, who have special 35 knowledge of the subject with which the person to be appointed will be concerned.
Registrar	Three members of the Executive Council nominated by it.

(2) The procedure to be followed by the Selection Committee in making recommendations shall be determined by the Executive Council.

(3) If the Executive Council is unable to accept any recommendation made by the Committee, it shall record its reasons and submit the case to the Visitor for orders.

Elected
Chairman to
preside
where no
provision
made in
Statutes.

27. Where, by these Statutes, no provision is made for the President or Chairman to preside over a meeting of any University authority, Board or Committee, or when the President or Chairman so provided for is absent, the members present shall elect one among themselves to preside at the meeting.

Re-appoint-
ment and
re-election.

28. Save as otherwise provided in the Act, these Statutes or the Ordinances, every officer of the University and every member of any University authority whose term of office or of membership has expired shall be eligible for re-appointment or re-election, as the case may be.

Resignation.

29. (1) Any member other than an *ex-officio* member of the Court, the Executive Council, the Academic Council or any other University authority may resign his membership by letter addressed to the Registrar, and the resignation shall take effect as soon as such letter is received by the Registrar.

(2) An Officer of the University (whether salaried or otherwise), other than a Dean, may resign his office by letter addressed to the Registrar:

Provided that such resignation shall take effect only on the date from which the same is accepted by the authority competent to appoint such officer.

Removal
from service

30. (1) Notwithstanding anything contained in the terms of his contract or appointment, an employee of the University, salaried or otherwise, may be removed from the service by the authority which is competent to appoint the employee, on any one or more of the following grounds, namely:—

(i) the employee has become physically incapable of performing his duties; or

(ii) the employee has become unsound in mind, deaf-mute or blind; or

(iii) the employee suffers from contagious leprosy; or

(iv) the employee has become an undischarged insolvent;

or

(v) the employee has been convicted by a court of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months, and a period of five years has not elapsed from the date of expiry of the sentence:

Provided that no such action shall be taken unless the employee has been given a reasonable opportunity to explain:

Provided further that nothing in this clause shall be deemed to affect any rights accruing to an employee appointed on contract in accordance with the terms of that contract.

(2) Notwithstanding anything contained in the terms of his contract or appointment, the Executive Council may terminate the engagement of an employee—

(a) for—

- (i) misconduct, or
 - (ii) physical unfitness, or
 - (iii) inefficiency, or
 - (iv) breach on his part of one or more of the terms of his contract with the University,
- in each case, after calling for and considering his explanation; or

(b) after giving four months' notice or four months' salary in lieu thereof.

31. (1) Whenever, in accordance with these Statutes, any person is to hold any office or be a member of any authority of the University by rotation according to seniority, such seniority as between two persons holding permanent posts of similar rank or grade shall be determined in accordance with the length of continuous permanent service in such rank or grade and in the case of two persons in temporary service in similar rank or grade, seniority shall be determined in accordance with the length of continuous temporary service in such rank or grade; between a permanent employee and a temporary employee in the same rank or grade, the permanent employee shall be senior.

(2) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of this Statute apply, a complete and up-to-date seniority list in accordance with the provisions of the foregoing clause.

(3) If two or more persons have equal length of continuous service in a particular grade or post, or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion, and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

Tenure of office.

32. Notwithstanding anything contained in these Statutes, a person who holds any office in the University or is a member of any authority or body of the University in his capacity as a member of any other authority or body or as the holder of any appointment, shall hold the office or be a member of the authority or body of the University so long only as he continues to be a member of that other authority or body, or the holder of that particular appointment, as the case may be.

Filling of casual vacancies.

33. All casual vacancies in the office of member (other than an *ex-officio* member) of any authority or body of the University shall be filled, as soon as conveniently may be, by the officer or authority or body who has power to appoint, elect or co-opt the member whose place has become vacant, and the person so appointed, elected or co-opted in a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Admission to privileges of University.

34. (1) Colleges and other institutions within a radius of fifteen miles from the main temple of the University may be admitted to such privileges of the University as the Executive Council may decide on the following conditions, namely:—

(i) every such college or institution shall have a regularly constituted Managing Body, consisting of not more than twenty persons, approved by the Executive Council and including, among others, at least two representatives of the University and at least three representatives of the teaching staff, of whom the Principal of the college or institution shall be one;

(ii) every such college or institution shall satisfy the Executive Council on the following points, namely:—

(a) the suitability and adequacy of its accommodation and equipment for teaching;

(b) the qualifications and adequacy of its teaching staff and the conditions of their service;

(c) the arrangements for the residence, welfare, discipline and supervision of its students; and

(d) such other matters as are essential for the maintenance of the standards of University education; and

(iii) no college or institution shall be admitted to any privileges of the University except on the recommendation of the Academic Council made after considering the report of a Committee of Inspection appointed for the purpose.

5 (2) Appointments to the teaching staff of such college or institution shall be made on the recommendation of a Selection Committee which shall include the Principal (unless the post to be filled is that of the Principal), at least one of the representatives of the University on the Managing Body and one expert nominated by the Academic Council.

(3) Every such college or institution shall be inspected at least once every year by a committee appointed by the Academic Council and the report of that committee shall be submitted to the Academic Council which shall forward the same to the Executive Council
15 with such recommendations as it may deem fit to make.

(4) The Executive Council, after considering the report and the recommendations, if any, of the Academic Council shall forward a copy of the report to the Managing Body of the college or institution with such remarks, if any, as it may deem fit, for suitable action.

20 (5) The Executive Council may, after consulting the Academic Council, withdraw any privileges granted to a college or institution if at any time it considers that the college or institution is not fulfilling the requisite conditions:

Provided that before any privileges are so withdrawn the Managing Body shall be given an opportunity to represent to the Executive Council why such action should not be taken.

(6) Subject to the conditions set forth above, the Ordinances may prescribe any other conditions which may be considered necessary and also the procedure for the admission of colleges and institutions
30 to the privileges of the University and for the withdrawal of those privileges.

35 (1) Every graduate of the University of not less than 5 years' standing shall be entitled to be registered and to have his name entered in the register of Registered Graduates, the period of 5 years being computed from the date of conferment of the first degree by the University on the person concerned.

(2) Every person who intends to become a registered graduate shall make an application to the Registrar in such form and on payment of such fee as may be prescribed by the Ordinances.

(3) If any question arises as to whether a person is entitled to have his name entered in the Register of Registered Graduates, it shall be decided by the Vice-Chancellor whose decision shall be final.

(4) No registered graduate shall be entitled to vote at, or stand as candidate for, an election to the Court from among the Registered Graduates unless his name has been entered in the Register of Registered Graduates for at least one year prior to the date of the election.

List of
Donors.

36. (1) The names and addresses of all persons who have made a donation of Rs. 1 lakh or upwards or have transferred property of the like value to the University shall be maintained in a register kept for the purpose by the Secretary of the Court.

(2) A similar register shall be kept showing the names and addresses of representatives of corporate bodies, firms, companies, trusts and joint Hindu families, who have made to the University a donation of Rs. 1 lakh or upwards or have transferred property of like value.

(3) Every person whose name is entered in either register shall be a registered donor of the University.

Honorary
Degrees.

37. (1) The Degree of Doctor of Letters (D. Litt.), or Mahamahopadhyaya, *Honoris Causa*, shall be conferred upon such persons as have contributed substantially to the advancement of Literature, Philosophy, Art, Music, Painting or any other subject assigned to the Faculty of Arts, or for conspicuous service rendered by them to the cause of education.

(2) The Degree of Doctor of Science (D.Sc.) *Honoris Causa*, shall be conferred upon such persons as have contributed substantially to the advancement of any branch of science or technology or to planning, organising or developing scientific and technological institutions in the country.

Emeritus
Professor
and Visiting
Professor.

38. (1) A retired Professor of the Banaras Hindu University who has acquired distinction in the field of scholarship and research and has published any work of merit may, on the recommendation of the Vice-Chancellor supported with reasons and of the Academic Council, be appointed as Emeritus Professor on such terms as may be prescribed by the Ordinances in this regard.

(2) A scholar of eminence who has acquired distinction in the field of scholarship and research and has published any work of merit may, on the recommendation of the Vice-Chancellor supported

with reasons, be invited by the Academic Council to deliver lectures in the University for a specified period on such terms as may be prescribed by the Ordinances.

39. (1) The Executive Council shall make provision for the main-
 5 tenance of the Central Hindu School and other schools which have
 been established in accordance with the Act, these Statutes or the
 Regulations.

Provision
for mainte-
nance of
Central
Hindu
School.

(2) The management of such schools shall be in accordance with the Ordinances made in this behalf.

10 40. The schools referred to in the preceding Statute and all their
 buildings, properties, furniture, apparatus and books and accounts
 shall be the property of the University.

Properties of
the Schools
to be prop-
erties of the
University.

PROVIDENT FUND OF EMPLOYEES

41. Every employee of the University, appointed permanently to
 15 a substantive post, carrying a salary of rupees twenty per mensem or
 upwards, shall, as a condition of his service, subscribe to the Provi-
 dent Fund eight and one-third per cent. of his salary; such subscrip-
 tion shall be deducted from his salary every month, fractions of a
 rupee of the salary being omitted.

Su bscription
by employee'

20 42. The University shall contribute to the Fund a sum equal to
 such percentage of the salary of each employee as may be approved
 by the Central Government and such contribution shall be credited
 to the account of such employee and charged to the University
 accounts under the head "Provident Fund".

Contribu-
tion by
University.

25 43. The amount of the deduction made from the salary of an
 employee under Statute 41 and the amount of the contribution made
 by the University under Statute 42 shall be deposited in the Post
 Office Savings Bank or in the State Bank as the Executive Council
 may direct, in the name of the Fund as early as practicable or at any
 30 rate within three days of the date on which the payment of the
 salary is made.

Deposit in
Bank.

44. (1) The University may, from time to time, invest such part
 of the Provident Fund, as may be considered expedient, in such Gov-
 ernment securities as the Executive Council may determine, and may
 35 change the nature of the securities.

Investment
in securities.

(2) All interest or profit realized from the securities or from any
 deposit or account arising out of the Fund, shall, after deducting the
 incidental expenses of investment or realization, be credited to the

Provident Fund account to be distributed rateably in the account of each subscriber.

Payment of
insurance
premium.

45. (1) On a written application from a subscriber to the Provident Fund and with the approval of the Executive Council, the University may allow premia on the Life Insurance policy of the subscriber to be paid out of the subscriber's share in his Provident Fund. 5

(2) In all such cases, the Life Insurance policy for which the premia are so paid shall be assigned in favour of the University and the policy shall, on the retirement of the subscriber from the service of the University, be re-assigned to him by the University. In case of maturity of the policy during the service of the subscriber in the University, the full amount of the policy shall be credited to the Provident Fund of the subscriber and in the case of the death of the subscriber during the service, the full amount of the policy shall be paid to the legal representative of the deceased entitled to the Provident Fund. 15

Amount
when
payable.

46. The amount at the credit of any subscriber shall be payable—

(a) on the death of the subscriber, to the person or persons nominated by him or, when no such nomination is made, to his legal heir or heirs; 20

(b) on his ceasing to be in the service of the University, to such subscriber provided—

(i) that no subscriber who has been dismissed for what is considered by the Executive Council as gross misconduct, shall, if the Executive Council so directs, be entitled to the benefit or to receive any part of any sum at any time contributed by the University to the Fund or the interest or profit thereon; 25

(ii) that if any subscriber resigns his appointment before putting in five years' service, the University may withhold the contribution allotted to him, together with the interest thereon, and pay to the subscriber only the balance at his credit without such contribution or the interest on or profit from such contribution. 30

Recovery of
loss or
damage.

47. The University shall not be entitled to recover from the amount to the credit of any subscriber on account of subscriptions made by him thereto (including interest on or profit from such subscriptions), any sum on account of any loss or damage sustained by the University through the misconduct or negligence of the subscriber 35

or any other sum due by him; any such loss or damage sustained by the University or other liability incurred by the subscriber to the University, shall, however, be recoverable from the contribution made by the University to his account including interest or profit thereon.

48. Any contribution and interest or profit, withheld under these Statutes, shall lapse to the University. Lapse of Withheld contribution.

49. (1) In case of urgent necessity, which in the opinion of the Executive Council justifies the course, the University may allow a subscriber an advance of a sum, not exceeding his salary for three months, out of the amount subscribed by him with interest thereon (excluding the contribution of the University and the interest or profit thereon). Advances.

(2) The advance shall be recovered in such number of monthly instalments, not exceeding twenty-four as the Executive Council may fix, and shall be recovered by deduction from the salary payable by the University to such subscriber; the amount of such instalments shall be fixed in whole rupees, and the deductions shall commence from the first payment of a full month's salary, after such advance has been made, and the last instalment shall cover the entire balance then due.

(3) Notwithstanding anything in clause (1), if an advance is required for the purpose of building or purchasing a house, the maximum limit of the advance may be equal to twelve months' salary of the subscriber out of his subscription to the Fund, to be repaid in such number of instalments, not exceeding forty-eight, as the Executive Council may determine.

(4) A subscriber may at his option pay at any time any additional sum above the amount fixed.

(5) No subsequent advance shall be made until the lapse of three months from the date when the previous advance has been fully repaid.

50. An employee, who is on leave on full pay, shall continue to subscribe to the Provident Fund and may do so at his option, if he is on leave on less than full pay. Subscription during leave.

51. A separate account in Form A shall be kept in the office of the University on account of every employee subscribing to the Provident Fund, and a copy of the account shall be furnished to every such employee at the end of each financial year and on his ceasing to be an employee. Annual statement of account.

FORM A

*Provident Fund, Banaras Hindu University Deposit Account for
the year ending the 31st of March, 1966*

[illegible]**Provident
Fund
Ledger.**

52. (1) Amounts credited or debited to the Provident Fund shall on the same day be posted to the Provident Fund Ledger in Form B, given below. The figures for column 6 in the ledger will be calculated yearly as also the net balance of each account entered in columns 7 and 10.

20

FORM B**Provident Fund Ledger, Banaras Hindu University, Banaras**[illegible]

(2) No voluntary deposits from employees will be credited to the Provident Fund.

53. If a subscriber dies or his services otherwise terminate, his account shall be closed, and the sum due to him shall cease to bear interest or carry any profit after the expiry of the month in which his death or the termination of his services occurs. Closing of account.

54. When an account is closed, any sum remaining unclaimed shall be removed from the Provident Fund Ledger and transferred to a deposit account at the end of the year and be dealt with like any ordinary deposit. Transfer to deposit account.

55. (1) Every subscriber shall be required to sign a written declaration that he has read these Statutes and that he agrees to abide by them and hand over for registration in the University Office the name of the person to whom he wishes the balance at his credit to be paid in the event of his death. Nomination.

(2) When nominating more than one person, he may state the proportion in which the said balance may be paid to each of them respectively. In case the nominee or any of the nominees is a minor, he should state the date of birth of the minor nominee; and the payment shall be made to the next friend of the nominee or the guardian who may be authorised by law to receive payment on his behalf while he is a minor.

(3) The subscriber may, from time to time, add to or change his nominee or nominees and the proportion in which the balance at credit is to be distributed, by written application to the University.

(4) A register of nominees shall be kept in the University Office in Form C given below:—

FORM C

30	Name of Subscriber	Name and address of his nominee with date of birth and the name of his next friend if he is a minor	Signature of Subscriber	Signature of the Pro Vice-Chancellor, B. H. U.
	1	2	3	4

Employees
who are not
eligible.

56. Notwithstanding anything contained in these Statutes, no employee of the University shall be entitled to the benefit of the Provident Fund if he is otherwise entitled to a pension or the University contributes towards his pension and leave allowance or he has been appointed by the University on a consolidated salary 5 on special terms.

GRATUITY AND COMPASSIONATE FUND

Compassio-
nate Fund.

57. The University shall set apart a sum of Rs. 1,000/- every year and invest the same at interest in order to form a fund for the payment of gratuities to the servants or employees of the University 10 and for the payment of compassionate allowance to their families, as hereinafter provided.

Balance in
Fund not to
exceed Rs.
3,000.

58. If the unspent balance of that fund at the close of any financial year exceeds Rs. 3,000/-, the University may stop further payment to the fund under the preceding Statute till the balance 15 falls below that amount or reduce the amount payable thereunder so as not to exceed that amount.

Gratuity.

59. Gratuity will be paid only to a servant or employee of the University—

- (i) who is permanent; 20
- (ii) who has not less than five years service; and
- (iii) who is getting a salary of less than rupees 20/- per mensem.

Payment of
gratuity.

60. (1) The amount of the gratuity shall be equal to half month's pay for every completed year of service, but the total amount of 25 gratuity shall not exceed Rs. 240/- in any case.

(2) Gratuity shall be payable to the servant or employee at the time of his retirement from the service of the University on account of physical incapacity or on reaching the age of superannuation.

(3) If a servant or employee of the University who was eligible 30 for gratuity under Statute 59 begins to draw pay of Rs. 20/- or more per mensem, he may be allowed gratuity in respect of his period of service rendered on pay of less than Rs. 20/- per mensem, but the amount of such gratuity shall be paid only on retirement or discharge.

Compassio-
nate allow-
ance to
family.

61. If a servant or employee of the University dies while in the 35 service of the University after completing a service of ten years, such compassionate allowance not exceeding three months' pay may be paid to such members of his family who are dependent on him for their livelihood as the Executive Council may, in the circumstances of each case, determine. 40

Mode of
payment.

62. The payment of gratuity or compassionate allowance may be made either in a lump sum or in instalments or in such other manner as the Executive Council may determine.

STATEMENT OF OBJECTS AND REASONS

The report of the Banaras Hindu University Enquiry Committee appointed by the President, in his capacity as the Visitor of the University, to enquire into the state of affairs at the University had revealed certain disquieting features and unhealthy influences which had been undermining the discipline of the University. On a preliminary consideration of the recommendations of the Committee, the President promulgated the Banaras Hindu University (Amendment) Ordinance, 1958 on the 14th June, 1958 which was later replaced by the Banaras Hindu University (Amendment) Act of 1958. Both the Ordinance and the Amending Act were temporary measures to tide over the difficult situation which was prevalent in the University at that time and the intention was to bring before Parliament in due course a comprehensive long-term legislation for the University after a detailed examination of the various recommendations of the Enquiry Committee. The recommendations have been examined in consultation with the authorities concerned and the present Bill embodies the long-term legislative proposals for the University.

The main features of the Bill are:—

(a) the restoration of the supreme governing status to the Court of the University;

(b) the reconstitution of the Executive bodies of the University, e.g., the Court, the Executive Council and the Finance Committee;

(c) the abolition of the Reviewing Committee and the Standing Committee of the Academic Council of the University;

(d) the conferment of power on the University to borrow money with the approval of the Central Government and the abolition of the University's power to withdraw degrees;

(e) the revision of the procedure for the appointment of the Vice-Chancellor; and

(f) other measures of reform in the administration of the University.

K. L. SHRIMALI.

NEW DELHI;

The 27th April, 1961.

BILL No. 26 OF 1961.

A bill to provide for the payment of pension to the aged and disabled citizens of India.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Old Age Pension Act, 1961.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

5

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(a) “disabled person” means any blind person or any person of 40 years of age who has lost both the hands or the feet,

(b) “old age” means 60 years of age in the case of a male person and 50 years of age in the case of a female person.

Pension to
disabled
persons.

3. Every person of old age or a disabled person shall be entitled to a pension from the Central Government at the rate of rupees one hundred per month, if,—

(1) he is an Indian citizen for at least 10 years upto the date of the receipt of any sum on account of pension;

(ii) he is incapable of earning his or her livelihood; and

(iii) he is not maintained by any of his relatives, friends or charitable or religious institutions.

4. (1) If any person receives any pension or any other monthly help in cash or kind from any other source the said amount shall be deducted for the purpose of calculating the pension provided in this Act.

(2) If any part of the pension received from any other source is commuted, the said commuted portion will also be taken into account for deduction.

5. A fund shall be created from the Government grant under the name 'National Assistance Fund'.

Creation of National Assistance Fund.

6. A National Assistance Board shall be set up by the Government to administer the National Assistance Fund.

Setting up of National Assistance Board.

7. The National Assistance Board shall consist of 15 Members to be nominated by the Government.

Composition of the National Assistance Board.

8. The National Assistance Board shall have the power to form State units to be called as State Assistance Boards with the consultation of the respective State Governments for speedy disposal of the cases relating to old age pensions:

Powers of the National Assistance Board.

Provided that the decision of the National Assistance Board shall be final.

9. The National Assistance Board shall be empowered to make regulations for any purpose relating to old age pension.

Power to make regulations.

10. All applications shall be made to the State Assistance Board in the form to be prescribed, who will get these forms verified from the District Collectors or other necessary Government agencies.

Submission of Applications.

11. All claims for pension and all questions whether the statutory conditions are fulfilled or continue to be fulfilled or whether a person is disqualified for receiving a pension shall be determined by the National Assistance Board.

Determination of pension claims and other questions.

12. The payment of pension under this Act shall remain suspended when a pensioner will leave India:

Suspension of payment of pension.

Provided that the payment of pension shall be resumed on his return if the absence is not for more than six months.

Exclusion of various persons from payment of pension. 13. The professional beggars, mendicants and persons maintained at any poor house or at any charitable or religious institution shall not be entitled to receive any pension under this Act.

STATEMENT OF OBJECTS AND REASONS

In our country the case of the destitutes, due to old age who have neither any source of income of their own, nor have any near relative to support them needs special attention. They are compelled by circumstances either to subsist on alms or have to die in misery. Now-a-days they have become more insecure with the disintegration of joint family system and increase in the numbers of the unemployed. The Bill is, therefore, intended to provide for payment of pension to the aged and disabled citizens of India.

NEW DELHI;

AUROBINDO GHOSAL.

The 6th March, 1961.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The matters in respect of which the rules may be made by the Government have been prescribed in clauses 9, 10 and 11. They relate to the procedure and manner of enquiry. Since these matters are of a routine or administrative nature, the delegation of legislative power is of a normal character.

FINANCIAL MEMORANDUM

This Bill certainly involves some expenditure. But no exact estimate is possible now for the amount of recurring expenditure involved. To start with a recurring grant of Rs. 1 crore should be sanctioned.

M. N. KAUL,
Secretary.

